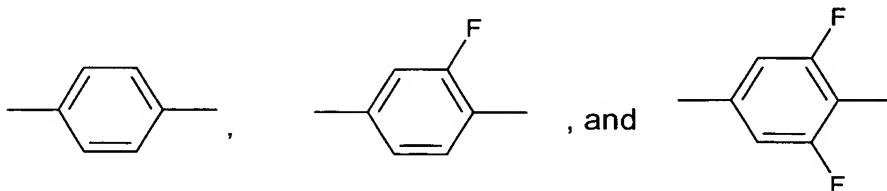


## **REMARKS**

### **Amendments**

Claim 1 is amended to further recite that the medium contains one or more compounds selected from formula (II) and formula (VIII), wherein in formula II a, b, and c are defined as



respectively. See, e.g., formula IIa at page 10 of the specification. Claim 2, 10, 12, and 13 are amended to be consistent with the language of claim 1 and to delete superfluous language. Claim 12 is also amended to be consistent with the language of claim 10, from which it depends. Claims 3 and 11 are cancelled. Claims 4, 5, and 8 are amended to depend from claim 2, rather than claim 1. Finally, claim 6 is amended to depend from new claim 19, rather than claim 1.

New claims 15 and 16 are dependent on claim 1 and recite that the medium contains compounds of formula II and formula VIII, respectively. In addition, claim 16 recites that in formula VIII one R group is alkyl and the other R group is alkenyl. See, e.g., the compound PP-1-2V-1 in the Examples.

New claim 17 recites that the medium contains one or more compounds of formula VIIIa and new claim 18 recites that R in formula VIIIa is methyl. See, e.g., the examples. New claim 19 recites that the medium contains one or more compounds of formula VI and/or formula VII. See, e.g., original claim 6. New claims 20 and 21 correspond to the prior versions of claims 9 and 10, rewritten in independent form. New claims 22 and 24 correspond to the prior versions of claims 11 and 13, respectively. New claim 23 corresponds to the prior version of claim 12, except that the 0% lower limit for components c) to e3) is eliminated so as to be consistent with the claim from which it depends.

New claims 25-30 are the same as display claim 14, except that they depend from claims 15-18, 20 and 21, respectively.

### **Rejection under 35 USC §112, second paragraph**

Claims 2-13 are rejected as allegedly being indefinite. This rejection is respectfully traversed.

It is argued that since items b) - e) in claims 2-4, 6 and 10 are additional components, the words "additional" or "further" should be used. However, since it is readily apparent when a dependent claim recites additional components, as the Examiner has noted in the case of 2-4, 6 and 10, it is unnecessary to use such superfluous terms "additional" or "further" and the claims are not indefinite for failing to use superfluous terminology.

Also, claim 6 is amended above to depend from new claim 19, which provides antecedent basis for formulae (VI) and (VII).

As noted above, claim 8 is amended to depend from claim 2, rather than directly claim 1. Claims 1 and 2 provide antecedent basis for the formulas recited in claims 8 and 9.

Claim 11 is cancelled and claim 12 is amended to depend from claim 1, rather than claim 11.

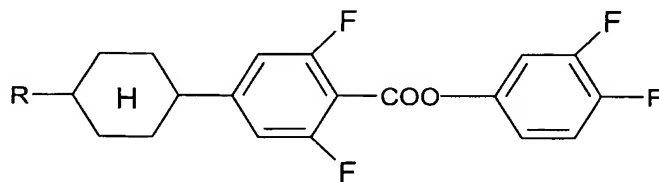
In view of the above remarks, withdrawal of the rejection is respectfully traversed.

#### **Rejection under 35 USC §102**

Claims 1-3, 5-8, 12 and 14 are rejected as allegedly being anticipated in view of Heckmeier et al. (DE 101 52 831). This rejection is respectfully traversed.

Firstly, it is noted that this rejection is not applied to claims 10 and 11. However, claim 12 is included in the rejection, even though claim 12 depends directly from claim 11. Thus, the inclusion of claim 12 in the rejection appears to be an error.

DE '831 discloses liquid crystalline mediums containing compounds of the formula



See Formula I at page 3, lines 22-36. In the Examples, the compounds of Formula are identified by the code CUZG-n-F. Referring again to the Examples 1-13, the compound present in these mixtures are identified by the codes BCH, CCP, CCH, CBC, ECCP, PCH, CCPC, ME, HP, CUZG-n-F, CCZU-n-F, CGU-n-F, CC-nV-Vm, GGP-n-Cl, CBC-nmF, T-nFFm, GGP-n-m, FET-

nF.F, and PGIGI-n-F. See pages 18-19. In the rejection, reference is made to Example 4 of DE '831 and it is asserted that this example contains compounds of applicants' formulas I, II, IIe, VIa, and VIIb.


Of the thirteen mixture examples in DE '831, only Example 4 contains compounds of the code formula T-nFFm. Compare applicants' formula I. Example 4 is also the only example that contains compounds of code formulas GGP-n-Cl, FET-nF.F, and PGIGI-n-F. Compare applicants' formula II.

None of the Examples of DE '831 contain biphenyl compounds in accordance with applicants' formulas VIII. In addition, none of the Examples contain a compound in accordance with applicants' formula II as recited in claim 1 as amended. Thus, DE '831 fails to anticipate applicants' claimed invention. Further, there is no suggestion presented in the rejection of any motivation that the would lead one of ordinary skill in the art to modify the Examples of DE '831 so as to contain a biphenyl compound in accordance with applicants' formulas VIII or to contain a compound of applicants' formula II as recited in claim 1 as amended. Thus, DE '831 fails to suggest applicants' claimed invention.

In view of the above remarks, withdrawal of the rejection in view of DE '831 is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
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Date: December 28, 2004